

## **MINUTES**

**CITY OF WARR ACRES  
REGULAR CITY COUNCIL MEETING  
TUESDAY  
JUNE 15, 2004  
7:00 P.M.**

1. The meeting was called to order at 7:00 p.m. Declaration of a quorum present was given. The Flag salute was lead by Chief Rob Carter and the Invocation was given by Pastor Charles Martin.

## **ROLL CALL**

### **PRESENT**

Mayor Marietta Tardibono  
Vice-Mayor Tom Smith  
Councilwoman Leslie Owens  
Councilman Jimmy Alexander  
Councilman Mike Gossman  
Councilman Bob Wehba  
Councilman Justin Frisbie  
Councilman Barry Curl

### **ABSENT**

Councilwoman Nancy Olson

## **DEPARTMENT HEADS AND CONSULTANTS PRESENT**

Pamela McDowell-Ramirez, City Clerk  
Roger Patty, Police Chief  
Rob Carter, Acting Fire Chief  
Luke Simms, City Attorney  
Mike Turman, City Inspector  
Wiley Rice, Jr., City Planner

2. Questions and Comments from Warr Acres Residents.

The Mayor presented a 15 year pin Chief Patty and asked him to please give it to Detective Larry Boggess in appreciation of his 15 years of dedicated service.

The Mayor read a letter from Mrs. John Bommer complementing the new Ann Arbor and stating how nice it looked.

The Mayor announced and invited everyone to attend July 2, 2004 at 7:00 p.m. at the Community Center an American Classics Celebration will be held with the proceeds going to the Salvation Army Food Bank.

3. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #4.

- A. Approval of Expenditures – General Fund \$ 29,080.87  
Street & Alley \$ 5,580.73
- B. Approval of a Supplemental Appropriation and Transfers to finish out the FY 03-04. \*\*\*\*
- C. Acknowledgement and acceptance of the partial repayment of \$200,000 of the advance to the Warr Acres Economic Development.

Councilman Wehba asked for item B to be pulled for discussion.

Motion by Frisbie, second by Owens to approve the remaining items on the consent docket. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea and Tardibono, yea.

**Motion Passed Unanimously.**

4. Discussion and possible action on items removed from the consent docket.

Councilman Wehba asked if the figures for the additional appropriations was coming off what the carry over would be. The clerk stated that these figures were already taken out before the budget for next year was figured. The figures are already including on the estimated expenditures for 03-04 in the FY 04-05 budget document, third column on page 2. Councilman Curl asked if the merit increases were included in the figures. The clerk stated that they had been included.

Motion by Frisbie, second by Smith to approve item B of the consent docket. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea and Tardibono, yea.

**Motion Passed Unanimously.**

Motion by Frisbie, second by Curl to move items 5 and 6 after item 12. There were no objections.

5. Public Hearing and discussion and possible action on the FY 2004-2005 City of Warr Acres Budget for the purposes of discussing and developing the City's budget for the fiscal year beginning July 1, 2004.

Councilman Alexander asked if the mower needed by the Street department was included in the budget. The clerk stated that it had been added. Councilman Frisbie asked why the revenue for garbage was down. The clerk stated that collections were down. There were no questions or comments from the audience.

Motion by Curl, second by Frisbie to close the Public Hearing. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea and Tardibono, yea.

**Motion Passed Unanimously.**

Councilman Frisbie questioned why another person was added to the budget when the city was making cuts. Councilman Curl stated that he would vote no if another person was requested. Councilman Frisbie stated that there was still a hiring freeze on. Johnny Dickson showed the council a picture of the mower he was requesting. He stated that the two that the Street department currently uses are 1977 and 1980 models. A question was asked concerning the Chipper and what has been done with it. The council was told that the ad had not been run because it was discovered that it was not in working order and it needed to be fixed before it was sold.

6. Discussion and possible action Resolution #398 Approving the City of Warr Acres, Oklahoma Budget for the Fiscal Year 2004-2005.

Councilman Wehba stated he wanted it noted for the record that he did not approve of the way the budget was balanced and the city was on the brink of catastrophe.

Motion by Owens, second by Gossman to approve Resolution #398. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, nay; Frisbie, yea; Curl, yea; Smith, yea and Tardibono, yea.

**Motion Passed.**

7. Receive reports from Staff: Police, Fire, City Clerk, City Inspector, Street, Sanitation, Sewer, City Engineer, City Planner.

Councilman Wehba asked if the signage for Ann Arbor would be on the June 17<sup>th</sup> Traffic Commission meeting. Chief Patty stated that it was.

8. Discussion and possible action on appointing Councilwoman Owens to all committees at ACOG to replace Councilman Alexander.

Motion by Gossman, second by Alexander to approve the appointment of Councilwoman Owens. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea and Tardibono, yea.

**Motion Passed Unanimously.**

9. Discussion and possible action on sending 19.60.020A to the Planning Commission for consideration.

Motion by Gossman, second by Smith to send to the Planning Commission for their review and recommendation, on repealing 19.60.020(A) and sending it back to the Council by June 28 so the Council can have it on the July 6<sup>th</sup> agenda. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, nay; Frisbie, yea; Curl, yea; Smith, yea and Tardibono, yea.

**Motion Passed.**

10. Discussion and possible action on purchasing audio and video equipment for the Council Chambers.

Councilwoman Owens stated that there was no need for action and that it was under the Mayor approval amount. Bob Jernigan stated that he remembered the council voting to make emergency purchase limit at \$12,000 but the Mayor's purchase approval amount is \$7,500 for non emergency items. He asked how the bid process was done. Councilman Wehba said that specs for a bid need to be approve by the council before going out for bids. Councilman Frisbie stated that he thought that bids were going to be written and brought to the council for approval. There was a long discussion on how the competitive bid process should have been handled. Councilman Wehba stated that they had gone from replacing one camera to purchasing three cameras and two televisions and a sound system. Bob Jernigan stated that if the quote that Councilwoman Owens received was from a vendor on the State contract then it was possible that the city could still proceed.

The Mayor called for a recess for 10 minutes. The council recessed at 8:02 p.m.

The council returned to session at 8:15 p.m.

Bob Jernigan stated that he would like the item continued to the July 6<sup>th</sup> meeting so that he could research the procedure and see if the vendor was on State contract.

Motion by Wehba, second by Alexander to continue the item to the July 6<sup>th</sup> meeting. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea and Tardibono, yea.

**Motion Passed Unanimously.**

11. Discussion and possible action on radios for communication between city hall and other departments.

The Mayor stated that she had spoken with the Supervisors and they want to keep the phones and turn in the pagers instead of having radios. Councilman Wehba stated that the purpose of switching to radios was an effort to save the city money. The pagers do not cost the city much and would not save much money where getting rid of the phones would save money. Street Supervisor Dickson stated that City Hall would only be able to get a hold of them 8am-5pm Monday-Friday. Councilman Wehba stated it would be the Police department that would handle the calls after 5 p.m. and on weekends. Chief Patty stated that is the way they do it now. Councilman Curl said that he did not think the city needed to change right now that with the phones they could be contacted directly by council and the mayor with out calling city hall.

Motion by Smith, second by Frisbie to allow the Street, Sanitation, and Sewer departments to keep their cell phones but turn in all pagers. Poll vote: Alexander, yea; Owens, nay; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea and Tardibono, yea.

**Motion Passed.**

12. Discussion and possible action on merit increases for the non-contract employees for the FY 03-04 year and the possible \$1000 bonus for non-contract employees in lieu of a merit for those who are topped out in their pay scale.

Councilman Curl stated that if bonuses were given for the topped out personnel it could cause a law suit in the future in not done year after year. Councilman Smith stated that the merit system really needed to be fixed. Councilman Curl stated that the city was looking at a tight budget and make cuts at the beginning of 03-04 and the city made it through.

Motion by Owens, second by Alexander to approve the merits and the \$1000 for topped out personnel in lieu of a merit for those with eligible reviews. Poll vote: Alexander, yea; Owens, yea; Gossman, nay; Wehba, nay; Frisbie, nay; Curl, nay; Smith, nay and Tardibono, yea.

**Motion Failed.**

Motion by Gossman, second by Smith to approve the merits for the FY 03-04 for all eligible non-contract employees. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, nay; Smith, yea and Tardibono, nay.

**Motion Passed.**

The reason the Mayor voted no, she stated, was that she felt the decision was unjust to those who are topped out and is disappointed.

A committee was appointed to review city's payscale for the third time this year. The committee is Councilmen Wehba, Alexander, and Frisbie. Councilman Wehba asked that the Supervisors be available to attend the meetings of the committee.

13. Questions and Comments from Council members.

Councilwoman Owens stated that some residents have complained of rusty water and wanted to know what the city could do and who to talk to with OKC. Councilman Wehba stated that most the work is done by contract workers. Councilman Alexander stated that the city could contact Paul Brum the OKC Public Works Director.

Councilman Wehba stated that he had been notified that from Paul Brum's department that Warr Acres residents can participate in the Hazardous Waste day. He asked that the staff contact OKC and get it taken care of. Also find out what the cost will be.

Councilman Wehba also stated that he would like to change his vote on item 12. Robert Jernigan stated that he needed to explain why he wants to change his vote. Councilman Wehba stated that he thought it was illegal to give bonuses. Mr. Jernigan stated that he could have item 12 reopened for discussion. Councilman Wehba stated that it would not change anything anyway.

Councilman Frisbie stated that there was not an Economic Development meeting scheduled for this evening and said that there needed to be a special meeting.

Councilman Smith said that he hoped to help Darryl get the web fixed by the end of the week. He also asked Johnny Dickson about a ridge in the road at 60<sup>th</sup> and Hammond and if it could be fixed.

14. Any Old or New Business ("New Business" is defined by the Open Meeting Act as any matter not known about or which could not have been reasonably foreseen prior to the time of posting of the agenda of a ("surprise nature")).

**There were to be two Public Hearings on this agenda that were not on the agenda due to missed communication between the Inspector and City Clerk.**

Motion by Wehba, second by Alexander to have the two Public Hearings added to this agenda under new business and then continued to Friday, June 18<sup>th</sup> at 7:00 p.m. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea and Tardibono, yea.

**Motion Passed Unanimously.**

A Special Economic Development meeting will also be scheduled for Friday evening following the Public Hearings.

15. Discussion and possible action on entering into Executive Session to discuss new litigation filing of Bob Cunningham on a wage claim with the Oklahoma Department of Labor case #200401232SAB and his workers comp claim for confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest.

Bob Jernigan stated that for the record he advised the council to enter into executive session.

Motion by Wehba, second by Gossman to enter into executive session. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea and Tardibono, yea.

**Motion Passed Unanimously.**

The council entered into executive session at 9:15 p.m. after a 10 minute recess.

The council returned to open session at 9:42 p.m. **WITH NO ACTION TAKEN.**

16. Adjournment.

Motion by Frisbie, second by Wehba to adjourn. Motion approved by acclamation. The meeting was adjourned at 9:43 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez  
City Clerk